

## REMARKS

Claims 1, 2 and 11-22 are pending in the application. The Examiner has rejected Claims 1, 2 and 11-22 under 35 U.S.C. §103(a) as being unpatentable over Sawashashi et al. (EP 0 682 418 A2) in view of Bruckert (U.S. Patent 5,751,763).

The Examiner has objected to figures 1A, 1B, 3A, 3B and 7 as not being labeled "Prior Art", and also objects to the specification based on an informality wherein the specification allegedly states that Figs. 3A and 3B are designated as both an embodiment of the invention and prior art. Figs. 1A, 1B, 7 and 8 have been amended with the "Prior Art" label in accordance with the Examiner's request. Based on the foregoing, withdrawal of the objections of Figs. 1A, 1B, 7 and 8 is respectfully requested.

Regarding Figs. 3A and 3B, Applicants respectfully assert that the Examiner is incorrect in his assertion that these figures depict that which is prior art. The specification merely states that element 300 in Figs. 3A and 3B is known in the prior art, but that the remaining elements depicted in these figures show an embodiment of the present invention. Therefore, Figs. 3A and 3B are properly referred to as depicting an embodiment of the present invention. Based on the foregoing, withdrawal of the objections of Figs. 3A and 3B is respectfully requested.

The Examiner also presents a position "regarding repeating" on page 5 of the Office Action. As it is unclear as to what the Examiner is referring to, Applicants respectfully request a more detailed explanation of the Examiner's position.

With respect to the rejections of independent Claims 1, 11, 12, 14 and 22, the Examiner states that Sawashashi et al. in view of Bruckert discloses the elements recited in the claims. Applicants respectfully disagree. Sawashashi et al. discloses that a transmission power of a mobile terminal is controlled so as not to exceed a *predetermined* reference value, i.e. a maximum transmission power. Bruckert discloses that a position of a power control bit (PCB) is determined according to a power control group, and then the PCB is transmitted to a mobile terminal. Each of the claims recites that a base station changes a reference value for reverse closed loop power control. Neither Sawashashi et al. nor Bruckert discloses changing a reference value.

Independent Claims 1, 11, 12, 14 and 22 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2, 13 and 15-21, these are

likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2, 13 and 15-21 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1, 2 and 11-22, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



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